

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

MAY 30 2008

U.S. DISTRICT COURT  
ELKINS WV 26241

LARRY KYNE,

Plaintiff,

v.

CIVIL ACTION NO. 2:07cv 75  
(Maxwell)

MICHAEL J. ASTRUE,  
COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

**ORDER**

On January 29, 2008, Defendant filed a Motion to Remand pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative review. On January 30, 2008, Magistrate Judge Seibert filed his Report and Recommendation recommending the motion be granted, wherein the parties were directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. No objections have been filed.

Upon examination of the report from the Magistrate Judge, it appears to the Court that it accurately reflects the law applicable to the facts and circumstances before the Court in this action. Therefore, it is

**ORDERED** that Magistrate Judge Seibert's proposed Report and Recommendation be, and hereby is, accepted in whole. Accordingly, it is hereby

**ORDERED** that the Defendant's Motion to Remand be, and the same hereby is, **GRANTED** for further administrative action in accordance with the Defendant's Motion. This remand is ordered pursuant to the fourth sentence of 42 U.S.C. §405(g).

The Clerk of Court is directed to close this case from the Court's active docket.

ENTER: May 30, 2008

  
United States District Judge